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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION

Case No. 21-md-02981-JD

THIS DOCUMENT RELATES TO:

**DECLARATION OF DAN NABEL IN
SUPPORT OF SEALING NON-PARTY
RIOT GAMES, INC.'S CONFIDENTIAL
INFORMATION**

In re Google Play Store Antitrust Litigation,
No. 3:21-md-02981-JD

Epic Games, Inc. v. Google LLC et al., No.
3:20-cv-05671-JD

Judge: Hon. James Donato

I, Dan Nabel, declare as follows:

1. I am the Associate General Counsel for non-party Riot Games, Inc. ("Riot"). I have been employed by Riot in the Legal Department since 2015. Based on my responsibilities and experience at Riot I am familiar with Riot's treatment and protection of confidential information, including highly sensitive information regarding strategy in negotiating deals and strategy relating to competitors in the industry. I am over the age of 18 and competent to testify to the matters in this Declaration. I make this Declaration on the basis of my personal knowledge.

2. I file this Declaration in support of Riot's Statement in support of the parties' Joint Administrative Motion to Consider Whether Another Party's Material Should Be Sealed ("Administrative Motion to Seal"). I have reviewed the testimony listed in the below chart

1 provided to Riot by counsel for Google. The testimony I reviewed contain non-public information
2 relating to Riot that is sensitive and highly confidential.

3 3. Specifically, the portions of the October 17, 2023 deposition of Mark Sottosanti
4 (“Sottosanti Deposition”), as indicated in the below chart, reflect or reference highly confidential
5 negotiating strategy and internal discussions relating to the terms of an agreement with Google, as
6 well as internal discussions of Riot’s confidential engineering and technical strategy and
7 capabilities that should be maintained under seal. Riot keeps this information confidential, even
8 within Riot, and limits its disclosure to those employees whose job responsibilities require it. In
9 addition, Riot does not disclose this information publicly and takes steps to shield it from public
10 disclosure. Riot has ongoing and future negotiations and business dealings with both Google and
11 Epic, as well as other competitors who are not parties to this litigation. For example, Riot is
12 currently in active, highly confidential negotiations with another platform for the distribution of its
13 content. If this highly confidential information is publicly disclosed, it could be utilized by Riot’s
14 competitors to Riot’s commercial detriment in current negotiations and future business
15 transactions. This is especially true because the descriptions of some of the considerations,
16 strategies, negotiation points, or terms in the below-referenced documents may be inaccurate
17 and/or misleading without further context, which context also is highly confidential and non-
18 public. Competitors seeking to make inroads with Google could also copy the contractual
19 provisions that Riot negotiated with Google. That would obviate any competitive advantage Riot
20 obtained through its negotiations with Google.

21 4. The below chart lists the portions of the Sottosanti Deposition and Exhibits marked
22 during the Sottosanti Deposition that Riot understands were admitted at trial and that it believes
23 are sealable for the reasons stated in Paragraph 3 of this declaration:
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Category of Highly Confidential Information	Sottosanti Deposition Exhibit (Bates Number)	Sottosanti Deposition Testimony (page & line numbers)	Description of Testimony
Negotiation strategy and considerations regarding content delivery and market strategy	1221 (GOOG-RIOT-0000333);	34:2–35:16; 35:18; 35:20–37:7; 38:2–39:10; 39:12–13; 39:18–40:12, 40:14–17; 104:13–15; 104:17–23; 104:25–105:2; 145:1–2; 145:4–15; 146:11–12; 146:17–25; 147:2–4; 148:7–10; 148:17–149:8; 149:11; 150:4–13; 150:16–17; 150:19–20; 150:22–24; 151:2–6; 151:22–152:11; 152:22–153:7; 153:9; 153:11–12; 153:14; 153:16–22; 153:23–24; 154:1–3; 154:5–13; 154:15–21; 165:17–22; 166:11–12; 166:21–22; 166:24; 167:2–7; 167:9; 167:11–16; 167:22–24; 168:1–8; 168:10–14; 168:21–25; 169:6–8; 169:11–15; 170:24–171:18; 171:20–172:2 172:11–16; 172:18; 172:20–21; 172:23; 172:25–173:8; 174:5–10; 174:14–19; 174:21; 175:8–11; 175:16–20; 175:22; 178:1–2; 179:21–180:10; 180:12; 180:14–15; 180:17–18; 180:20–23; 191:9–11; 191:13	Exhibit 1221 is an internal Riot presentation following a meeting with Google describing negotiation strategy and considerations that may affect active negotiations. This testimony describes that presentation document and explains that the document contains internal “thoughts and recommendations” (34:10 – 11) regarding content delivery and market strategy.
Technical capabilities and content delivery considerations	1222 (GOOG-RIOT-0000347)	155:13–156:22; 157:25–158:6; 158:8–11; 158:22–24; 163:7–8; 163:10–15; 163: 20–22; 163:24–25; 164: 2–4; 164:8–165:10; 165:12; 165:14–16	Exhibit 1222 is an internal Riot document summarizing technical capabilities and content delivery considerations. This testimony describes that document and explains that the document contains “educational” information from internal “technical people to business people” at Riot (158:9 – 10) regarding content delivery

			considerations and strategy, which if revealed would competitively disadvantage Riot.
Negotiation strategy and considerations relating to internal impressions of confidential meetings	1226 (GOOG-RIOT-0000105)	58:11–60:16; 61:5–62:15; 62:22–25; 63:2–5; 63:14–18; 63:20; 63:22–23; 63:25; 64:2–8; 64:10–23; 65:1–7; 181:25–182:6; 182:14–23; 182:25–183:1; 183:6–10; 183:12; 183:14–184:1	Exhibit 1226 is an internal Riot document following a meeting with Google describing negotiation strategy and considerations. This testimony describes that document and explains that the document contains “subtext” from the meeting rather than the express discussion (59:17 – 21). It reveals negotiation strategy not disclosed to persons outside the Riot negotiating team that may affect active negotiations.
Negotiation strategy for particular deal terms	1227 (GOOG-RIOT-0000034)	69:5–14; 69:16	Exhibit 1227 is an internal Riot presentation summarizing negotiation strategy and considerations for particular agreement terms that may affect active term negotiations with other parties. This testimony describes that document and explains that it refers to negotiation considerations and Riot’s expectations regarding terms of an agreement with Google.

This testimony contains Riot’s confidential information that was previously produced by Riot and designated “Highly Confidential - Outside Counsel Eyes Only” pursuant to the operative protective orders (*see, e.g.*, Case No. 3:21-md-02981-JD, ECF 248).

Riot.

EXECUTED at Los Angeles, California this 19th day of January, 2024.

Dan Nabel

I, Lisa J. Demsky, am the ECF User whose ID and password are being used to file this document with the Clerk of the Court using CM/ECF, which will send electronic notification of such filing to all registered counsel. In compliance with Local Rule 5-1(i)(3), I hereby attest that all signatories concur with this filing.

/s/ Lisa J. Demsky
Lisa J. Demsky